

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2005 Legislative Session

Legislative day # 1

BILL NO. 1 – 2005 (ZRA-56)

Introduced by Guy Guzzone, Chairman

AN ACT amending the Howard County Zoning Regulations to permit RR zoned property to send their density to other RR zoned properties in certain instances.

Introduced and read first time _____, 2005. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2005 and concluded on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time _____, 2005 and Passed __, Passed with amendments __, Failed __.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2005 at _____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2005.

James N. Robey, County Executive

NOTE; [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that
2 Subsection B “Criteria”, of Section 106 “DEO (Density Exchange Option) Overlay District” of
3 the Zoning Regulations of Howard County, is hereby amended to read as follows:

4
5 **Comprehensive Zoning Plan for Howard County**

6 **SECTION 106: DEO (Density Exchange Option) Overlay District**
7

8
9 **A. Purpose**
10

11 The DEO Overlay District is established to provide land owners in the RC and RR Districts
12 with opportunity and incentive to preserve significant blocks of farmland in the rural area of
13 the county. This district is also intended to encourage the clustering of residential
14 development in areas where the development will not have an adverse impact on farm
15 operations. To accomplish this, the DEO District allows residential density in the RC and RR
16 Districts to be exchanged between parcels. Density exchanges in the District should result in
17 large parcels being preserved in perpetuity, while residential development is directed toward
18 parcels which are able to absorb the additional dwellings.
19

20 **B. Criteria**
21

22 Residential density may be exchanged between properties which are eligible to be sending
23 and receiving parcels based on the criteria given below.
24

25 **1. Sending Parcels**

26 Properties within the DEO Overlay District which meet the following criteria are
27 eligible to be sending parcels:
28

- 29 a. The underlying zoning shall be RC OR RR;

1
2 A PARCEL WITH THE UNDERLYING ZONING OF RR IS ELIGIBLE
3 TO BE A SENDING PARCEL PROVIDED THAT THE DENSITY IS
4 SENT TO ANOTHER RR ZONED PARCEL AND IT ADJOINS AT
5 LEAST ONE (1) OF THE FOLLOWING:

- 6 (I) A PRESERVATION PARCEL AT LEAST 50 ACRES IN SIZE;
7 OR
8 (II) LAND OWNED BY THE WASHINGTON SUBURBAN
9 SANITARY COMMISSION; OR
10 (III) PARKLAND OWNED BY THE STATE OR COUNTY; OR
11 (IV) A PURCHASED AGRICULTURAL LAND PRESERVATION
12 EASEMENT.

13
14 SENDING DENSITY FROM A PARCEL ZONED RR TO A PARCEL
15 ZONED RC IS PROHIBITED. DENSITY FROM A PARCEL ZONED
16 RR SHALL ONLY BE SENT TO RR RECEIVING PARCELS.

17
18 THE TERM “ADJOIN” AS USED HERE INCLUDES PARCELS
19 SEPARATED BY A UTILITY OR ROAD RIGHT-OF-WAY OTHER
20 THAN A PRINCIPAL ARTERIAL HIGHWAY;

- 21
22 b. The minimum preservation parcel easement area shall be 20 acres for all
23 sending parcels;
24
25 c. The sending area shall not be subject to a forest conservation easement or
26 other recorded easement that reduces or removes its development rights. If a
27 portion of a parcel is encumbered with such an easement, the encumbered
28 area shall be subtracted from the
29 acreage of the sending parcel for density calculations. After the encumbered

1 acreage is deducted, the sending parcel must still fulfill the size criteria
2 specified in paragraph 1.b of this subsection.

- 3
- 4 d. A property consisting of one or more contiguous parcels or lots may be
5 eligible to be a sending parcel if the parcels, when combined meet the size
6 criteria specified in paragraph 1.b. All parcels that do not meet the size
7 criteria specified in paragraph 1.b of this subsection must be combined at the
8 time that the preservation easement agreement for the sending parcel is
9 recorded.

10

11 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that***
12 ***this Act shall become effective 61 days after its enactment.***